

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAYLENE VANBUSKIRK,

Plaintiff,

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CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-06021 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8). This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees (*see* Dkt. 25). Defendant has no objection to plaintiff's motion (*see* Dkt. 28).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the plaintiff’s motion (*see* Dkt. 25), the attorney declaration (Dkt. 26), the memorandum of law in support of motion (Dkt. 27) and time and expense itemizations (Dkt. 25, Attachment 1), and the relevant

1 record, it is hereby ORDERED that EAJA attorney's fees of \$6,563.38 shall be awarded to
2 plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010
3 U.S. LEXIS 4763 at ***6-***7 (2010).

4 The Acting Commissioner agrees to contact the Department of Treasury after the Order
5 for EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is
6 determined that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the
7 Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
8 payable to D. James Tree, Esq., based on plaintiff's assignment of these amounts to plaintiff's
9 attorney (see Written Fee Agreement, Dkt. 25, Attachment 2). If there is an offset, the remainder
10 shall be made payable to plaintiff, based on the practice of the Department of the Treasury (see,
11 e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff's
12 counsel, D. James Tree, Esq., at Tree Law Office, 3711 Englewood Avenue, Yakima, WA
13 98902, or direct deposited in the Tree Law Office account.

14 Dated this 28th day of October, 2015.



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16 J. Richard Creatura
17 United States Magistrate Judge
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